OPPOSITION TO Z2021011 and Z2021012 , a modification to Z2015074

Hello,

My name is Daniel Penton, and I reside at 8216 S 42nd Ave in Laveen, Arizona 85339. A little background on myself; I have served on the Board of Directors for the Laveen Planning Committee and the Laveen Citizens for Responsible Development for the past 3.5 years. During that time, I have also served for two years as the President of the Laveen Community Council, and the past year and half as immediate Past President. I am also the founder of the Laveen Planning & Development News Facebook Group, which is home to 2,275 of my neighbors and friends, who are all proud Laveen residents who share their opinions and concerns, and/or simply just want to know what development is coming to our area, and how a given development may or may not impact in their daily lives; but most importantly, how will it IMPROVE their quality of life, now, and ten years from now.

The visual character of the Laveen Planning Area is dominated by views towards the surrounding mountains to the southeast and southwest. The South Mountains and Carver Foothills to the south/southeast and the Sierra Estrella Mountains to the southwest are the dominant background to the existing rural scene. From many points in the planning area, particularly from the foothills, views of downtown Phoenix, the White Tanks and McDowell Mountains appear in the distance.

The Sign Regulations for Off-Premise Signs (Billboards) codified within Chapter 14 of the Maricopa County Zoning Ordinance (MCZO) exist for the purpose of setting standards intended to promote economic activity and avoid visual clutter, which is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. It is the purpose of these regulations to protect property values within Unincorporated Maricopa County, and for all intents and purposes, neighboring jurisdictions (Phoenix, Scottsdale, Tempe, etc) within the county to enhance the natural beauty, improve quality of life, and to protect the general public from damage and injury, which may be caused by the unregulated construction and proliferation of signs.

Pursuant to these purposes, ***it is the intent of the MCZO to permit the use of signs, which are***:

1. **Compatible with their surroundings**; *at 70' tall, there is nothing compatible with the existing surroundings. At the I-10/1-17 Stack , Most definitely; in Laveen, the highest future use is Harkins at 56 feet. 70 feet IS NOT COMPATIBLE, IT IS EXCESSIVE AND UNNECESSARY.*
2. **Appropriate to the activity that displays them;** There is no current user proposed for the overall site, and the site is, and has remained vacant. There is no access. The existing sign to the north has been standing for two years, has never had a sign, and is now a target for Graffiti, constituting a blight and nuisance leading to the deterioration of a rural residential neighborhood.
3. **Expressive of the identity of individual activities and the community as a whole; and** Laveen residents, and stakeholders have not wavered in their opposition to billboards. Laveen for the most part, does not want them, and they contribute NOTHING by way of adding jobs, tax revenue, recreational benefits, nor do they add to the visual beauty of the scenic corridors and mountain views that are the "LAVEEN SKYLINE"
4. **Legible in the circumstances in which they are seen.** Any Sign, Billboard or otherwise,is barely legible at 65mph. Honestly, at 65mph, if I take my eyes off the road in-front of me, I'm afraid I may miss that wrong-way driver coming at me, or my eyes may return half a second to late, with no where left for me to go except for in to the back end of a semi-truck or minivan, or worse. If they are legible at 70 feet, they are much safer, and probably a whole lot easier to read at 30 feet.

On May 2nd, 1989, the Maricopa County Board of Supervisors formally adopted the Laveen Land Use Plan, which serves as a statement of goals and policies to direct growth through 2010, and for future land use designated under County jurisdiction. The Laveen Area Land Use Plan ***"demonstrates Maricopa County's efforts to fulfill State mandated planning for the area of jurisdiction, as well as a significant commitment to the area, its future and its residents".***

Adopted April 13, 1992, The Laveen Phoenix Plan was prepared by the Laveen/Phoenix Planning Committee. The Committee was mandated to develop a plan for Laveen that both the City of Phoenix and Maricopa County could support. The committee was appointed by Maricopa County Supervisor Mr. Ed Pastor and City of Phoenix District 7 Councilwoman Ms. Mary Rose Wilcox.

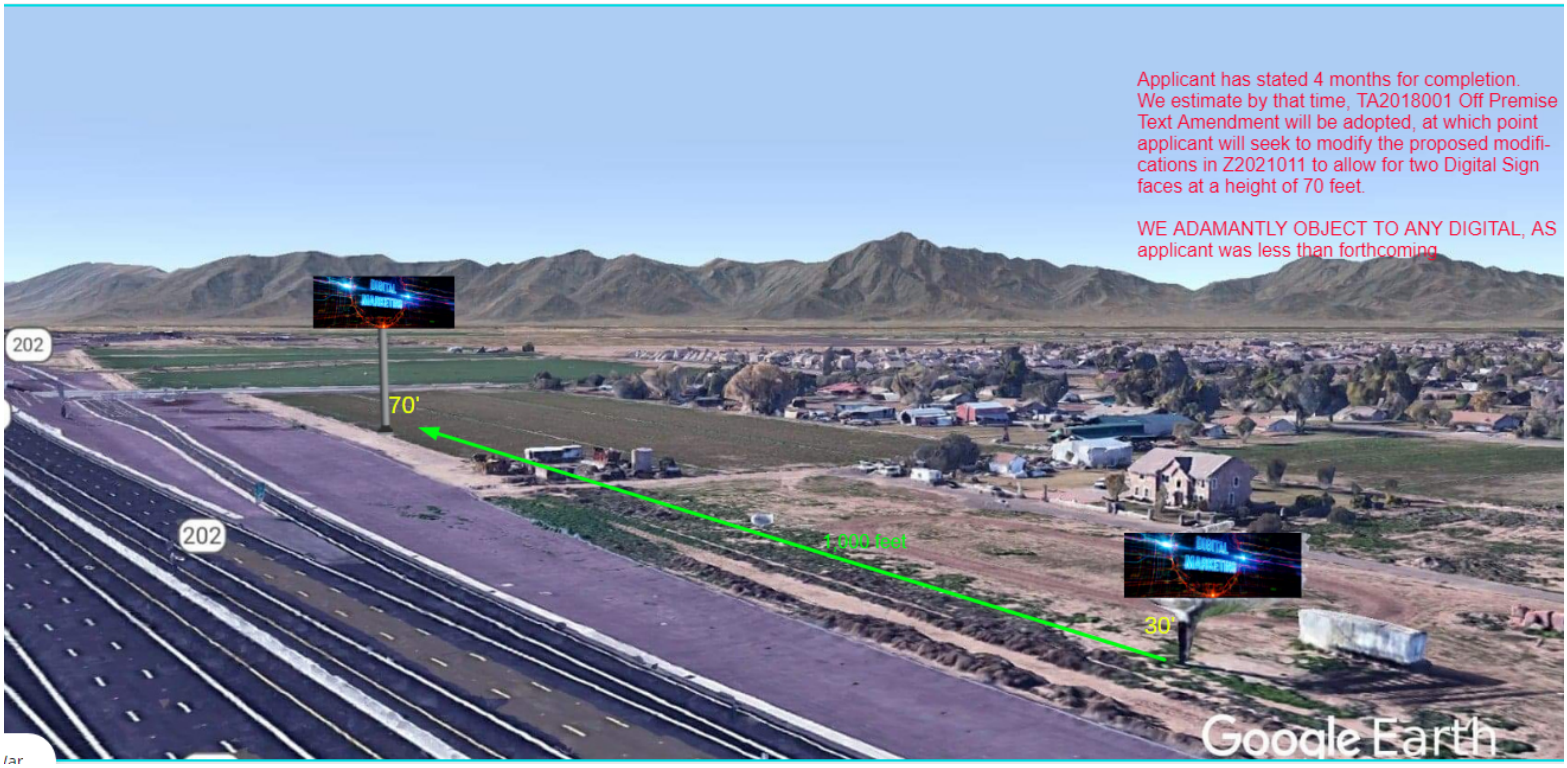
The “LAVEEN QUALITY DESIGN AND SIGN GUIDELINES” can be found pages 80 -93 of the Laveen Land Use Plan, as incorporated in the Maricopa County Comprehensive Land Use Plan. Section XII -Sign Guidelines can be found at the bottom of page 90-92.

XII. SIGN GUIDELINES

The purpose of the Laveen Sign Guidelines is to enhance the potential for business while maintaining the natural beauty of the area, the quality of life of the community and the attractiveness for both visitors and residents. Its purpose is to prevent chaotic proliferation of signage, to avoid visual clutter created by excessive signage and to use a minimum number of low key signs of limited size to identify each business

clearly and not confuse or irritate the potential customer by a multiplicity of competing images. The goal shall be to identify, not to advertise.

In January 1995, the City of Phoenix Planning Department published the "Southwest Growth Study/Laveen: A Guide for Development", which defines the Laveen community as "a place unique in both natural beauty and agricultural heritage. Nestled between South Mountain Park Preserve and the Salt River, from 27th Avenue to Gila River Indian Community, the area has long been valued by farmers, equestrians, and those looking for solitude and mountain access." It goes on further, stating that *“Future challenges identified include the fast pace of development pressures expanding from the area's proximity to downtown Phoenix and access and routing of the future South Mountain Freeway Loop 202’*. Thus, the problem is to help guide new sensitive development and create human scaled community facilities and amenities.



Preserve the Scenic Beauty of Laveen

Support These Peaks

OpposeThese Peaks

Rationale for Stipulations regarding Approval of Static Off-Premise Sign ONLY; Maximum Luminance of 100nits at 2700k; AND NO Conversion to Digital

Summary

Careful and sensible control of the nighttime brightness of digital LED signage is critical. Unlike previous technologies, these signs are designed to produce brightness levels that are visible during the daytime; should too large a fraction of this brightness be used at night serious consequences for driver visibility and safety are possible. A review of the lighting professional literature indicates that drivers should be subjected to brightness levels of no greater than 10 to 40 times the brightness level to which their eyes are adapted for the critical driving task. As roadway lighting and automobile headlights provide lighting levels of about one nit, this implies signage should appear no brighter than about 40 nits. Standard industry practice with previous technologies for floodlit billboards averages less than 60 nits, and rarely exceeds 100 nits. It is recommended that the new technologies should not exceed 100 nits.

Introduction

Illuminated signage, for both advertising and informational purposes, has been a fixture of the modern nighttime environment since at least the invention of electric lighting. Until recently, the principal use of artificial lighting has been to make signs legible at night: ambient lighting, including skylight and sunlight, has been considered adequate for daytime visibility. With the advent of digital LED billboards, however, this is no longer true. Digital LED billboards must generate brightness sufficient to make them legible during the daytime as well as at night. The brightness necessary to make a sign legible during a full sunlit day can be many thousands of candela per square meter (also called nits); products available on the digital LED billboard market commonly advertise maximum luminances between 6500 and 7500 nits. This creates the potential risk of a blinding nighttime brightness should an inappropriate adjustment for nighttime conditions be made. Thus, the question arises of an appropriate limit to the brightness of a sign at night, whether a digital LED billboard or any other kind of sign.

Background: Sign Brightness, Drivers, and Visibility

The principal safety and regulatory concerns for drivers viewing signage from a roadway is that:
1) ***the sign, by its very nature, is seeking to attract the gaze of the driver,*** i.e. the advertiser ***intends the driver to look directly at the sign (and away from the roadway)*** for a period of time sufficient to discern the sign's message or messages. Besides the obvious issue of a driver taking his or her eyes from the driving task, viewing the sign leads to the second problem,

2) *the eye adapting toward the brightness level of the sign*. Thus, when the driver returns his gaze back to the roadway, in all cases illuminated to a much lower brightness than the sign, ***for some period of time the driver's vision is no longer optimally adapted to seeing objects on the roadway***. This changing visual adaptation when brightness levels change is referred to in the technical literature as "transient adaptation." ***Drivers that have their visibility reduced for objects on the roadway, even momentarily, will be at greater risk for accidents.***

The Illuminating Engineering Society of North America (IESNA) recognizes this issue in numerous places in its literature. The IESNA Lighting Handbook (9th edition, page 3-9) states:

> "If the change in [brightness] lies completely within the range of operation of the cone photoreceptors [i.e., daytime vision], a few minutes is sufficient for adaptation to occur. ... As for direction of change... changes to a higher [brightness] can be achieved much more rapidly than changes to a lower [brightness]." [emphasis added]

This last sentence says that the eye will adapt much more quickly when moving from the dimly lighted roadway to the bright sign, but much more slowly when returning to the dim roadway.

Lighting for Conventional Floodlit Billboards

Thus, we suggest that a regulated maximum luminance for any type of sign visible from a roadway, digital LED billboard or other, should not exceed 100 nits in an urban environment. Though it can be easily argued that this value is too high, this limit would be consistent with the vast majority of commercial floodlit billboards in use today, and at least would not increase potential degradation of drivers' vision above levels experienced with current floodlit billboards. As the adaptation state of drivers' eyes is generally dominated by the luminance level of the roadway illuminated by headlights, that is around one nit, it may not be necessary to require lower sign luminances in darker surroundings.

MCZO

ARTICLE 1403.3. OFF-SITE SIGNS, BILLBOARDS [C-2 AND C-3 ZONING DISTRICTS ONLY]: 1403.3.1 Off-site signs shall be permitted uses in the C-2 and C-3 zoning districts provided each such sign shall:
1. Maintain a distance separation from any other off-site sign of 3,000 feet of any off-site sign on the same street when either existing or proposed sign is located three (3) miles or greater from the boundary of any incorporated city or town.

2. Maintain a distance separation from any other off-site sign of 1,000 feet of any off-site sign on the same street when either existing or proposed signs are located fewer than three (3) miles from the boundary of any incorporated city or town.

3 Such signs may be illuminated but no flashing, intermittent or moving illumination shall be employed. Any lighting used shall be in accordance with the adopted outdoor light control provisions (see Chapter 11, Section 1112. herein). Any off premise sign within 150 feet of a rural or residential zone boundary shall be non-illuminated. ***See attached stipulations***

4. Such a sign shall not be located within 100 feet of any rural or residential zoning district boundary, ***whether or not separated by a public right-of-way.***

5. Such signs shall not be located within 500 feet of any park, school or roadside rest area.

6. Such signs shall not be audible in any manner.

7. Special Conditions:
   a. On State Route 74 between U. S. 60-89 and Lake Pleasant Road, no off-site signs shall be permitted within six-hundred sixty (660) feet of said highway right-of-way.
   b. On U. S. Highway 60-89 from Estrella Freeway to Wickenburg, no off-site signs shall be permitted within six-hundred sixty (660) feet of said highway right-of-way.

1403.3.2. Off-site signs in C-2 and C-3 zoning district are subject to the following development standards:
1. Such sign shall not exceed three-hundred (300) square feet in area. A sign may utilize embellishments up to ten percent (10%) of the sign area.

2. such sign shall not exceed thirty (30) feet in height.

3. such sign may be double-faced or "V" shaped, provided the "V" shape is designed so that it is no greater than fifty-four (54) inches between faces at the apex and the angle between the faces of the sign is no greater than forty-five (45) degrees.

4. Shall be freestanding

5. Shall maintain the same property line setbacks required by the underlying zoning district.